

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JOHN MCCALL and JAMES RAM, )  
                                  )  
Plaintiffs,                  )  
                                  )  
vs.                            ) No. 4:10-cv-00269-HEA  
                                  )  
MONRO MUFFLER BRAKE, INC., )  
d/b/a AUTOTIRE CAR CARE CENTER, )  
                                  )  
and                            )  
                                  )  
AM-PAC TIRE DIST. INC.,     )  
                                  )  
Defendants.                 )

**CONSENT MOTION TO AMEND  
CASE MANAGEMENT ORDER (DOC. 29)**

COME NOW Plaintiffs John McCall and James Ram (“Plaintiffs”) and, with Defendants’ consent, move to amend the Case Management Order (Doc. 29) (“the CMO”) entered by this Court on December 8, 2010. In support, Plaintiffs state as follows:

1. The CMO gave the parties until April 4, 2011 to join additional parties. Prior to that deadline, Plaintiff John McCall added one new plaintiff (James Ram) and one new defendant (Am-Pac Tire Dist. Inc.) as a result of this Court’s April 4, 2011 Order granting Plaintiff leave to file its proposed Third Amended Complaint, and the April 4, 2011 filing of that Third Amended Complaint.

2. Plaintiffs now ask this Court to extend each of the remaining CMO deadlines by approximately 3 ½ months. This adjustment should give each party time to satisfy the remaining deadlines, irrespective of when the party was joined in the action. The proposed adjusted schedule is as follows:

3. Disclosure shall proceed in the following manner:

(a) The parties shall make all disclosures required by Rule 26(a)(1), Fed.R.Civ.P., no later than May 20, 2011.

(b) Plaintiffs shall disclose their expert(s) on class certification issues and provide the report(s) by July 20, 2011. The deposition(s) of Plaintiff's expert(s) on class certification issues shall be completed by August 31, 2011.

(c) Defendants shall disclose their expert(s) on class certification issues and provide the report(s) by September 15, 2011. The deposition(s) of Defendant's expert(s) on class certification issues shall be completed by October 31, 2011.

(d) The presumptive limits of ten (10) depositions per side as set forth in Rule 30(a)(2)(A), Fed.R.Civ.P., and twenty-five (25) interrogatories per party as set forth in Rule 33(a), Fed.R.Civ.P., shall apply.

(e) Requests for physical or mental examinations of parties pursuant to Rule 35, Fed.R.Civ.P., are not anticipated.

(f) The parties shall complete all class related discovery in this case no later than October 31, 2011.

(g) Motions compel shall be pursued in a diligent and timely manner, but in no event filed more than eleven (11) days following the discovery deadline set out above.

4. Plaintiffs' class certification motion must be filed no later than November 15, 2011. Opposition briefs shall be filed no later than January 15, 2012, and any reply brief may be filed by January 31, 2012.

5. The parties are to jointly submit to the Court a proposed Amended Case Management Order within ten (10) days of the Court's ruling on class certification.

Failure to comply with any part of this Order may result in the imposition of sanctions.

Dated this \_\_ day of \_\_\_\_\_, 2011.

\* \* \*

WHEREFORE, Plaintiffs, with Defendants' consent, move this Court to amend the CMO as proposed.

Dated: April 15, 2011

Respectfully submitted,

/s/John E. Campbell

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been filed with the Court using the CM/ECF electronic filing system on this the 15<sup>th</sup> day of April, 2011, to:

Robert J. Wagner  
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*Attorneys for the Defendants*

/s/ John Campbell